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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002944

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E.O. 12958: DECL: 11/04/2019

TAGS: [KDEM](#) [PGOV](#) [IZ](#) [IR](#)

SUBJECT: IRAQI ELECTION LAW UPDATE: NOVEMBER 4, 2009

REF: BAGHDAD 2935

Classified By: Political Counselor Yuri Kim for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY. After another intense day of competing negotiations among key blocs over multiple proposals on voting rules for Kirkuk province, momentum appears to be building toward a vote at the Council of Representatives (COR) tomorrow, November 5. Negotiations have centered on two new proposals -- one originating from the COR's Legal Committee and another sponsored by Speaker Ayad al-Samarra'i -- both of which borrow elements from the UNAMI proposal. However, as of 8:00 p.m. local, the Kurds have not committed to any of these proposals; indeed, they have threatened to walk out if the Samarra'i proposal is put to a vote November 5 on any proposal containing special conditions for Kirkuk. Meanwhile, Independent High Electoral Commission (IHEC) Chairman Faraj al-Haydari told Deputy Pol/C that IHEC is "at the deadline" for being able to credibly administer an election by January 16, and he has announced to the media that IHEC needs a law no later than the end of November 5.
END SUMMARY.

New Election Law Proposals Appear

¶2. (C) The November 4 COR session lasted roughly one hour before parliamentarians left for meetings with the Speaker of the Iranian Parliament, Ali Larijani, who arrived in Baghdad for a visit. KDP bloc leader Saadi Barzinji said Larijani first met with Speaker al-Samarra'i, and then with all COR bloc leaders. He strongly criticized the U.S. role in Iraq and specifically claimed that U.S. "interference" was to blame for the delay in adopting an election law. Meanwhile, side negotiations among major political blocs continued throughout the day and into the evening as Iraqi MPs shopped various schemes for setting the voting rules in Kirkuk province.

¶3. (C) U.S. and UNAMI officials began the day with strong support for an amended version of the UNAMI proposal. After negotiations with key parties on November 3, UNAMI slightly revised its proposal to streamline language on the special committee for review of the voter lists in Kirkuk; it also dropped reference to holding an election in Kirkuk one year after the national elections on January 16, 2010. Overnight and through the day, MPs seemed to put aside the UNAMI draft, yet incorporated elements of its text in number of competing proposals that appeared that day.

¶4. (C) By midday, poloffs learned that many COR members were discussing an election law compromise proposed by COR Legal Committee Chairman Baha al-Araji, which included the following elements: (1) use of the 2009 voter list in Kirkuk; (2) establishment of a committee to review the voter list composed of COR members and the Independent High Electoral Council (IHEC) (with UNAMI assistance) to complete work

within one year; (3) a condition that if the committee finds at least a 15 percent error in a province's voter registry, then either the elections would be redone in that province or the COR membership for the province could be rearranged to reflect percentages of corrected results and; (4) rules and results from January would not be a precedent for any political or administrative settlement (understood by the parties as code language referencing Kirkuk). KDP bloc leader Saadi al-Barzinji told poloffs late November 4 that the Legal Committee had all but reached agreement on the proposal; however, after Turkish Ambassador Murat Ozcelik met Qproposal; however, after Turkish Ambassador Murat Ozcelik met with Samarra'i and Kirkuki Turkomans, the Turkomans rejected the proposal and the Sunni Arabs followed suit according to Barzinji.

¶5. (C) Late November 4, a third proposal appeared that has been attributed to COR Speaker Ayad al-Samarra'i. It comprises the following elements: (1) use of the 2009 voter list in Kirkuk; (2) allocation of one seat each from the national compensatory seat pool to the Arab and Turkoman lists in Kirkuk that garner the highest number of votes; 3) establish a committee to review (within one year) the voter list within the current administrative boundaries of Kirkuk; 4) in case errors or increases affecting the voter registry by 15 percent should emerge, the elections of Kirkuk shall be repeated after the completion of the work of the committee, and; 5) before they are verified, the results of elections in Kirkuk shall not be used as a basis for any electoral event and shall not be considered a precedent for any political or administrative situation with respect to Kirkuk. While Sunni Arabs and Turkomans favor the Samarra'i proposal, KDP bloc leader Saadi Barzinji told poloffs that if the Samarra'i

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proposal is put to a vote November 5, Kurdish MPs will boycott the proceedings. He stressed that if it were nonetheless passed by the COR, President Jalal Talabani would veto it. (Comment: Talabani, whose PUK fared poorly in July 2009 KRG parliamentary elections and has lost ground to rival Goran List, cannot afford politically to be seen to compromise on Kirkuk. End comment.)

IHEC: "We are at the deadline"

¶6. (C) IHEC Chairman Faraj al-Haydari told Deputy Pol/C that "things are not good" and IHEC is "at the deadline" for being able to administer an election by January 16. Haydari has conducted a series of interviews with the media since November 3, announcing broadly that November 5 is the deadline by which IHEC needs a law. He told Deputy Pol/C that even if a law is passed tomorrow, he worried whether IHEC could fulfill all of the requirements needed to hold credible elections January 16. Already IHEC has shortened or skipped some requirements, like vetting the thousands of candidates that will register to run for parliament before election day (Note: Without specific definitions of candidate requirements in an election law, IHEC now plans to vet only the winning candidates to ensure their compliance. End Note.) Haydari groused that IHEC has been "waiting for a long time" for an election law, adding, "one hour is precious to us, but for the COR a week is nothing." He said the COR does not understand that IHEC is under a tight deadline now. According to Haydari, IHEC still has to train tens of thousands of poll workers, complete international procurements for 19 separate ballots, and refine the voter list of roughly 18 million names before dissemination to the 52,000 polling stations nationwide.

COMMENT

¶7. (C) Momentum appears to be building toward a vote on an election law tomorrow, and the Embassy, working closely with UNAMI, will do what we can to exploit that momentum and

ensure a vote takes place. That said, we anticipate that the ride ahead will continue to whiten knuckles. The last few weeks have seen a number of proposals and deals come and go, and our sense is that all the parties -- Shia Arab, Sunni Arab, Kurds, Turkomans -- and especially the Kurds -- intend to push the envelope on their negotiating positions as far out as possible before closing a deal that entails a measure of dissatisfaction for every party. END COMMENT.
HILL